

TRANSCRIPT

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BACK / THE NATION

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GUEST: THE HONORABLE RANDY CLARK

Attorney General of the United States

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NOTE TO EDITORS: This broadcast was pre-recorded at CBS,
Washington, Saturday, March 11.

MR. AGRONSKY: Mr. Attorney General, the District Attorney of New Orleans, James Garrison, declares that there is new evidence in the assassination of President Kennedy. From your knowledge, does such new evidence exist?

ATTORNEY GENERAL CLARK: We certainly have no knowledge of new evidence, Mr. Agronsky; and I will be very much surprised if any exists.

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ANNOUNCER: From CBS Washington, in color, FACE THE NATION, a spontaneous and unrehearsed interview with the just-appointed Attorney General of the United States, Ramsey Clark. Mr. Clark will be questioned by CBS news correspondent George Harman, James Clayton of the Washington Post and CBS news correspondent Martin Agronsky.

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MR. AGRONSKY: Mr. Attorney General, one of the first arrests that has been made by the District Attorney of New Orleans, Mr. Garrison, is of a gentleman called Clay Shaw, which the Attorney General says is an alias for a man named Clay Bertrand, who is mentioned in the Warren Report.

One of your first statements, when you became Attorney General, was that the FBI had already investigated and had cleared Clay Shaw of any part in the assassination of President Kennedy; yet, Shaw's name is never mentioned anywhere

in the Warren Commission report.

Why is that, and is there an identity between Shaw and Bertrand?

ATTORNEY GENERAL CLARK: Under the circumstances, that is, in view of the fact that there will be a hearing in New Orleans Tuesday, I really think it would be inappropriate for me to comment on the case. Mr. Garrison has not offered us any evidence that he may have. I am unable to say why he hasn't done this. It would seem to me the natural thing for any prosecutor to do. But, as of this time, and without real doubt, I would stand by Mr. Hoover's remarks in November of 1966, that not one shred of evidence links any other conspirator to Oswald in the assassination of President John F. Kennedy.

MR. CLAYTON: General Clark, have you asked Mr. Garrison for the evidence that he has in this case?

ATTORNEY GENERAL CLARK: We have had no direct communications, in view of the attitude that he has taken.

MR. HERMAN: I can understand your reluctance to get involved in the case which is now to be heard, but I think perhaps it is fair enough to look back. You say the FBI has investigated, and yet you did say in the statement after your confirmation, the FBI had investigated him; and yet there is no documentation of that in the Warren Commission

Report and we are just trying to find out how and when it happened.

ATTORNEY GENERAL CLARK: There was a comprehensive investigation by the FBI involving these New Orleans allegations and much, in fact most of those reports have been made public and they support the conclusion of the FBI that Oswald acted alone.

MR. HERMAN: Was this FBI investigation for the Warren Commission, sir?

ATTORNEY GENERAL CLARK: Yes, it was.

MR. HERMAN: I see.

MR. ACROWSKY: Go ahead, George.

MR. HERMAN: Well, the other part of it I want to understand -- presumably this part of it then, is part of the secret material of the Warren Commission documents which have not yet been released which are kept confidential in the Archives?

ATTORNEY GENERAL CLARK: Well, some of the information developed by the FBI in that investigation at New Orleans has been released, and many of the people whose names have been in the newspapers recently from New Orleans have been, their names are in these earlier FBI reports -- all of the information that was developed there as is true in all of the aspects of the investigation, have not been released

for a broad variety of reasons.

MR. HERMAN: That brings up just one other case, if I may. Immediately after Jack Ruby's death, in fact within less than 24 hours after Jack Ruby's death the Ruby material was released in the Archives. Now, Mr. Ferrie has been dead several weeks, and the Ferrie material is still classified and I wondered if that is at the order of the FBI and the Department of Justice?

ATTORNEY GENERAL CLARK: No. Those documents are under the general jurisdiction of General Services Administration at this time. There has been a policy, and I think a wise one, not to release data about individuals that might affect their character or reputation where it has no relevance to the Warren Commission investigation or to the assassination of President Kennedy, and this we have followed.

MR. HERMAN: That implies that you believe, then, that the Services Administration believes that the Ferrie material has no relevance?

ATTORNEY GENERAL CLARK: That is true.

MR. AGONSKY: And can you clear up this Shaw-Bertrand thing for us? Is Shaw an alias for Bertrand, as Garrison contends it is?

ATTORNEY GENERAL CLARK: As I said earlier, I don't think it would be fair for me to really comment in any way on that in view of the State proceeding. We certainly don't want to interfere in any way with the State proceeding. It's absolutely essential that history know the truth in this matter. I am disturbed and saddened that so much publicity, so much agitation, so much doubt is created. I think that is unfortunate for this country because this is a matter that affects us all so that the assassination of President Kennedy has left a deep mark on the lives of all of us and is something we should be highly sensitive about and we should seek the truth in the most circumspect and cautious methods.

MR. HERMAN: Does the Federal Government have any role or any interest, directly, in this business in New Orleans? Is it a friend of the court, should it be in attendance, should it have some presence there?

ATTORNEY GENERAL CLARK: No. I think not. I think our State-Federal system is adequate to every type of matter that arises that I have ever seen, including this one. I think this is something for the State and I hope they will proceed with dignity.

MR. CLAYTON: In the last couple of weeks there have

been stories out of New York as well as in New Orleans about assassination teams allegedly sent by Castro in efforts to kill President Kennedy. Do you know anything about FBI reports on those teams?

ATTORNEY GENERAL CLARK: There have been studies of these matters. We have nothing that indicates any evidence of a conspiracy, and we stand on that on the basis of our investigation.

There is a morbid fascination about the assassination. There have been rumors running rampant ever since the assassination and I suppose it has been historically the case when a great man dies under such circumstances there will be doubt and intrigue and inquiry for a long time.

I believe that the Warren Commission investigation was the most comprehensive and definitive investigation of a series of facts ever undertaken and there is overwhelming evidence in it to support its conclusion that Oswald acted alone. Until there is evidence to the contrary, I will stand with the Warren Commission.

2, || MR. AGRONSKY: Don't you find it curious, sir, that the District Attorney of New Orleans, having all of the evidence that is at your disposal persists in this investigation and indicates that he has new evidence which he has not turned over to the Federal Government or to

you, as you requested?

ATTORNEY GENERAL CLARK: Yes. I find it curious
and I find it disturbing and I find it saddening.

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MR. AGRONSKY: Mr. Attorney General, to lead you to another area, an area I know that concerns you very much too, the area of wire tapping and electronic eavesdropping, from your knowledge of the Justice Department operations, and you have been in the Department for six years, I believe, would you say that the blame for wire tapping when Robert Kennedy was Attorney General should be allocated to Mr. Kennedy, or, as Mr. Kennedy has said, should be laid at the door really, of the FBI Director, J. Edgar Hoover?

ATTORNEY GENERAL CLARK: Well, I am not in the business of blaming anybody. I am happy to say that I was in the Lands Division for four years, the first four years of my service to the Department of Justice, and we have yet to find any wire tapping in any Lands Division case. I don't think any will be revealed.

I am not sure beyond what we have filed in Court that there is any relevant evidence on who was responsible for the degree of wire tapping and electronic surveillance that recent disclosures have indicated.

MR. AGRONSKY: What is your position on wire tapping and electronic eavesdropping?

ATTORNEY GENERAL CLARK: My position is, that it is incompatible with what we want for this country, and that there is only one exception, only one area where it is

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justified, and that is in the area of national security where there is a direct threat to the security of this nation.

MR. CLAYTON: You said recently that there are no wiretaps by the FBI today that you have not approved of, and those that you have approved are all national security cases.

Over the last ten years the three men who held this office before you testified quite similarly on Capitol Hill that they had approved all the wiretaps, and they were national security cases.

We have now had fourteen cases in which wiretaps were held on non-security cases.

How can you be sure there are no other wiretaps than those you mentioned?

ATTORNEY GENERAL CLARK: Well, in any such matter you have to go forward in confidence. I am absolutely satisfied, I have discussed the matter with Mr. Hoover and with other high officials in the FBI and it is my judgment today that there are thirty-eight wiretaps, there are no electronic surveillances otherwise, and that all of these are in the national security area.

MR. CLAYTON: Have you changed the procedures through which the FBI establishes wiretaps?

ATTORNEY GENERAL CLARK: I think it is fair to say that

we have changed the procedures. I think we have a much tighter procedure now that calls for a regular inventory so that I can keep currently abreast of where we are at a given time.

AGRONSKY: Mr. Attorney General, would it be possible for the FBI Director, Mr. Hoover, or anyone who directed the FBI, to direct a wire tap or an electronic eavesdropping operation without your knowledge? Does he have the authority to do so?

ATTORNEY GENERAL CLARK: He does not have the authority to do so. When you say is it possible, why, anything is possible. I think in terms of Mr. Hoover's character, it is not possible for him to do so because he knows of the regulation and he would not violate it.

MR. HERMAN: Just so we understand it, if he does feel that it is required that a wire tap be established, you have to be informed specifically about the case, is that correct?

ATTORNEY GENERAL CLARK: That's correct, it requires my written approval.

MR. HERMAN: The names and the people involved?

ATTORNEY GENERAL CLARK: That's right.

MR. CLAYTON: In each individual case?

ATTORNEY GENERAL CLARK: In each individual case, that's right.

MR. HERMAN: What about other kinds of electronic crime detection? The wire tapping and surveillance seems to get most of the publicity, but the President's Commission suggested that the United States police departments around the country are

behind the times in the use of computers and other electronic devices which help in crime -- in the apprehension of criminals, not by surveillance but by amassing evidence and by deductive processes and so forth. Should that now be stepped-up under your leadership?

ATTORNEY GENERAL CLARK: I think very definitely so. As you know, the FBI has moved forward just this year in that field with its national crime computer operation and I think it is awfully important to police departments throughout the country that we have the highest degree of coordination and cooperation so that we can exchange vital facts involving commissions of crime.

MR. HERMAN: How close does this come to sort of "Big Brother is watching you", through its computers and its keeping track of where people are, that the Federal government or the Department of Justice and the FBI will know where all American are and what they are doing and how legitimate their business is, and so forth?

ATTORNEY GENERAL CLARK: I think they are two essentially different things. The type of information that we are talking about is crime statistic data, it is a serial number, identification of stolen automobiles, data on felons who are fugitives from justice. It is nothing relating to the character of individuals or general intelligence about individuals.

MR. AGRONSKY: Mr. Attorney General, the majority of the

President's Crime Commission said that to fight organized crime effectively we need legislation to allow wire tapping and electronic eavesdropping by police officials. Do you agree?

ATTORNEY GENERAL CLARK: No, I do not. I do not feel that we need this. I think an illustration of our effectiveness without it is the statistics for 1966. During 1966 more indictments were brought under our organized Crime statutes involving more individuals by 25 per cent than in any preceding year, and no electronic surveillance was used in developing these cases.

MR. AGRONSKY: Then you can have adequate law enforcement by an efficient police department, in your opinion, without the use of these devices?

ATTORNEY GENERAL CLARK: Far more adequate by training, by setting standards, by giving full support to police departments; this is the key to protection of the public safety and not use of devices.

MR. CLAYTON: Since the enforcement of most criminal laws is in the hands of the state and not of the Federal government, what can the Federal government do about crime?

ATTORNEY GENERAL CLARK: I think the Federal government can do a great deal. We have to recognize that crime is a national responsibility, even though law enforcement is a local responsibility. We have always practiced that, and we preach that. The thing the Federal government can best do in my judgment is

demonstrated by the President's Crime Control Act of 1967.

This Act provides the opportunity to offer great uplift to law enforcement throughout the United States. If the funds that we seek under the guidance that we seek are available in 1969, we can triple the rate of investment for excellence in local law enforcement throughout the country and that will make a tremendous difference.

MR. AGRONSKY: Mr. Attorney General, the Crime Commission, the President's Crime Commission touched on another really basic controversy that I know concerns you a lot, when some of its members held that the recent Supreme Court decisions on confessions, such as the Miranda case made the job of the police too difficult, that they had given defendants in criminal cases more protections than they should have and some have been urging Constitutional amendments to redress the balance. What is your position on that?

ATTORNEY GENERAL CLARK: My position is that it is much too early to know the full effect of Miranda today. I am personally quite skeptical that it has any really deterrent effect on effective law enforcement and as an illustration, I would offer this: Since 1948 the Federal Bureau of Investigation has given a warning, essentially equivalent to the Miranda warning, to all people that it has under interrogation, and this has not really in any way impaired its effectiveness. I think far more important than interrogation of witnesses is excellence in personnel,

training, and standards for personnel.

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MR. HERMAN: In trying to solve the whole problem of the crime wave, where do you put the emphasis, General Clark? Do you put it on prevention, on detection and jailing? I believe Mr. Katzenbach in the course of interviews that followed the publication of the President's Commission said that the problem is, you put them in jail but sooner or later they are going to get out again and they are going to be the same people back at large unless you have done something about their characters in the meanwhile. Where should the emphasis in this country go today?

ATTORNEY GENERAL CLARK: I think we have to have a comprehensive approach. I think it would be quite unfortunate for us to look for a single, simple answer. None exists. My personal view is that in terms of public safety, that is, not the underlying causes of crimes, so to speak, but public safety today, the two most important areas are in improving the quality of our police departments and giving them adequate support from all levels of the public and in providing them with ample manpower of high quality.

I think corrections is a major key that we greatly neglect. I think we have got to recognize the fact that four out of five people convicted of felonies in the United States today were convicted of a misdemeanor before that and usually while they were a kid. And, there is a tremendous

2 opportunity missed, certainly if we devoted our hearts and our hands and our minds to help those kids when they come before a misdemeanor court on their first brush, we could save a tremendous amount of repetition of crime, of crime that injures so many of our people and we could salvage lives and save dollars.

MS. EHRMAN: The report speaks very sharply about the rate of crime among young teenagers, quite young teenagers and it says since that is the major source of crime at the moment and the percentage of teenagers in the country is rising rapidly as our age graph changes, that we are in for a pretty tough time. Is there a crisis coming up on us in crime?

ATTORNEY GENERAL CLARK: I don't think we should take a crisis approach to crime in the United States at all. I think we should take a firm determination approach. We can do something about this. A simple illustration is automobiles. We permit the theft of 400,000 automobiles in the United States a year. 64 percent of these are stolen by kids; 42 percent had the keys in the ignition at the time of theft, and many of the kids who picked up these keys and turned on the ignition and drove off, have led themselves or have been led into a life of crime that could

have been avoided.

I think public neglect, public negligence and the lack of support and concern is something that is hampering us here.

MR. ROSENBERG: Mr. Attorney General, have you made any determination in the case of Adam Clayton Powell?

ATTORNEY GENERAL CLARK: In what -- in what way?

MR. ROSENBERG: Well, there was referred to the Justice Department much of the material in the Powell case and talk of a possible indictment of Mr. Powell by the Justice Department after it had studied his case. Have you had an opportunity to study it and has any determination been made about it?

ATTORNEY GENERAL CLARK: There has been no final determination. We have received the records and files of the committees of the Senate and the House of Representatives and they are under very careful care, scrutiny and study at this time. We will probably not proceed until the Congress has finally determined the major issues before it in the case.

MR. BERNAM: Does the Congress have a voice in whether you will take final action or is that entirely your own determination?

ATTORNEY GENERAL CLARK: I think under separation of powers we, as the Executive branch, have to make the final discretionary judgment as to how to proceed.

MR. HERMAN: These are on the specific issues of whether there was fraud or misappropriation of funds as opposed to whether he should have a seat in the Congress?

ATTORNEY GENERAL CLARK: Yes. I assume we are talking about the cases that have been referred to us.

MR. HERMAN: Now, have you formulated any policy, or do you have your mind prepared as to what you will do if the Justice Department and the Executive branch becomes involved in the question of seating or not seating this Congressman-elect?

ATTORNEY GENERAL CLARK: No, we would have to view that as it came to us. It now appears, as you know, that the Congress will be represented by private counsel.

MR. AGRONSKY: Well, the point that George is getting at, and I think perhaps is still unclear is, suppose that the Congress decides to seat Mr. Powell, and at that point does the Justice Department step out of the case completely?

ATTORNEY GENERAL CLARK: I assume you are not referring to the case of the seating because there would be no such issue then. You are referring--

MR. AGRONSKY: No, I am not--

5 ATTORNEY GENERAL CLARK: You are referring to these matters of alleged misconduct.

MR. ABRONSKY: Exactly.

ATTORNEY GENERAL CLARK: No. We would have a continuing responsibility to study those and see whether there has been a violation of Federal law, and if there has been to act upon it, and if there has not, to close the matter out.

MR. HERRMAN: How long is that likely to take.

ATTORNEY GENERAL CLARK: It is awfully hard to predict a case like that, and you have to do it. It depends on how quickly the Congress is able to resolve the issues before it, and at the very least it would take some weeks for us to go through the data before us.

MR. ABRONSKY: But first the Congress must act, then you would act, that would be it.

ATTORNEY GENERAL CLARK: I wouldn't say must. It is certainly most desirable, unless there is some delay that we cannot foresee at this time, for the Congress to conclude its efforts first.

MR. CLAYTON: Moving to a slightly different subject, you have expressed your view that capital punishment is

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no longer acceptable in this country. Are you going to direct the representatives of the Justice Department not to seek capital punishment in any cases in which it may be possible?

ATTORNEY GENERAL CLARK: Well, I think unacceptable, the word you use, is a little further than we have gone. We have directed our comments only to the Federal responsibility in the Federal area.

In answer to your question specifically, I think we have an obligation to enforce the statutes on the books and we will do so, and when Congress changes those statutes we will enforce them as changed. There are provisions for death penalties on the books today.

MR. CLAYTON: Will you ask Congress to change the statutes?

ATTORNEY GENERAL CLARK: We have recommended to the Congress at least in the area of D. C. crimes, that the death penalty be abolished and that further study on the method of going about it to protect the public be made.

MR. CLAYTON: Is the President in agreement with your view on the death penalty?

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ATTORNEY GENERAL CLARK: I have not had any specific discussion with him. My judgment is, although he should speak for himself, is that he would agree.

MR. HERMAN: I have one, before we get too far away from it in point of time, I have one further question I want to go back to on the Powell case. That is, this is a constitutional problem of the separation of powers. The Congress has been known to say the Chief Justice has made his decision, now let him enforce it; but the enforcement usually falls to the Executive Branch. If the Judiciary should say that Powell must be seated and the House says that Powell shall not be seated, it is likely to fall back to you to find the legal precedents and help the President make up his mind. Have you done any studying and do you have any ideas on what your position ought to be?

ATTORNEY GENERAL CLARK: I think it is very unlikely that such a confrontation will develop in such a hard and fast manner. If it did, certainly we would have to explore all of the facets of it most carefully at that time. I don't think there is going to be such a serious conflict between the Judiciary and the Legislative branches. I think we will support the law as it developed at the time.

MR. AGRONSKY: You have said that you plan an

8 intensified antitrust drive to combat local and regional price-fixing conspiracies. Now, have you decided yet on your first target, and when you are going to undertake this investigation?

ATTORNEY GENERAL CLARK: My comments were in an interview that appeared in one of the major newspapers, and I was commenting really on the fact that I felt that we had an enforcement resource, the United States Attorneys' offices, 93 of them involving over 500 attorneys scattered throughout the United States who could be effectively devoted in price-fixing cases because of their experience in presentation of simple fact issues to courts, and we plan, as we really have for some time to explore this fully and to see whether we cannot utilize this resource to prosecute law enforcement in local and regional areas.

MR. HERMAN: Mr. Clark, your father has been a potent and eloquent voice on the United States Supreme Court. Are you going to add more to the good of the country than your father's resignation is going to subtract from it?

ATTORNEY GENERAL CLARK: It would be very difficult for me to say that I could. I don't believe I can. I am very proud of my father and our family has always been proud of his career.

MR. AGRONSKY: Mr. Attorney General, have you made any determination on the antitrust case against the ABC-ITT merger, American Broadcasting Company merger with International Telephone and Telegraph Company?

ATTORNEY GENERAL CLARK: You say have I made a personal study of it?

MR. AGRONSKY: Yes.

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ATTORNEY GENERAL CLARK: I have certainly reviewed it at some length and with care and with Don Turner, the Assistant Attorney General in charge of the Antitrust Division and we work together in formulating our positions. I was involved in the two letters that were written earlier and have reviewed the briefs with him. As you know, the matter is now under consideration by the Commission.

MR. HERMAN: Do you think that you might revive it if the Commission once again approves the merger?

ATTORNEY GENERAL CLARK: Well, it would be impossible to comment now. It depends on what evidence they hear, and what facts they cite to support their conclusions.

MR. HERMAN: But you retain an interest in it?

ATTORNEY GENERAL CLARK: We certainly retain an interest, but we would want to very carefully consider the action of the Federal Communications Commission before we made any judgment as to how we might proceed.

MR. AGRONSKY: Well thank you very much, Mr. Attorney General, for being here to FACE THE NATION.

A word about next week's guest in a moment.

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ANNOUNCER: Today, on FACE THE NATION, Attorney General Ramsey Clark was interviewed by CBS News Correspondent George Herman, James Clayton of the Washington Post; CBS News Correspondent Martin Agronsky.

Next week, Senator William Fulbright, Chairman of the Senate

Foreign Relations Committee, will FACE THE NATION.